

AUG 14 1997

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISIONCharles Freeman and
Rosalyn Brown,
plaintiffs*
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v.

* No. 3:96-CV-1108-DES

City of Dallas,
defendant*
*
*
*U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
AUG 13 1997
NANCY DOHERTY, CLERK
By *TS* DeputyJUDGMENT

For the reasons set forth on the record on July 24, 1997, it is ordered that Plaintiffs' Motion for Partial Summary Judgment be granted in part and denied in part and Defendant's Motion for Summary Judgment be granted in part and denied in part as follows:

1. As a matter of law, the Court finds that the City's seizure and demolition of plaintiffs' structures at 2611 and 2621 Meyers St. without a warrant was an unreasonable seizure of plaintiffs' property in violation of the Fourth Amendment to the U.S. Constitution.

2. The Court finds that the Urban Rehabilitation Standards Board [URSB] alone sets and carries out the policy for the City of Dallas with regard to establishing minimum standards applicable to residential and nonresidential structures. This kind of binding policy making authority constitutes official policy of the City of Dallas. The Court finds and orders that the City is liable under 42 U.S.C. § 1983 as a matter of law for the

conduct of the URSB which caused or contributed to the cause of plaintiffs' harm.

3. As a matter of law, the Court finds that plaintiffs were not deprived of due process under the Fourteenth Amendment to the U.S. Constitution by the URSB hearing process or by the failure to provide a hearing on the amount or legality of the lien for the costs of demolition.

This case was submitted to the jury on the issue of damages to be awarded to plaintiffs for deprivation of the Fourth Amendment constitutional right not to have property seized without a warrant. For this deprivation, the jury awarded \$20,000 in damages to plaintiffs and \$0 in emotional distress or mental anguish for a total damage amount of \$20,000.

It is ordered that the City of Dallas pay plaintiffs \$20,000. Post-judgment interest shall accrue from the date of entry of the judgment pursuant to 28 U.S.C. § 1961 at the federal rate.

This judgment is final except for any motion for attorneys' fees and expenses.

8-11-97
DATE


UNITED STATES DISTRICT JUDGE
Dale E. Saffels
Sitting by Designation